

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:05CR3069
Plaintiff,)	
)	
v.)	USM No: 20080-047
)	
EDWARD LAFAYETTE MCCLOUD)	<u>DAVID R. STICKMAN, FPD</u>
Defendant.)	Defendant's Attorney
Dates of previous judgments: 6/14/2006 & 5/11/2007)	

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 35 months is reduced to 28 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>25</u>	Amended Offense Level: <u>23</u>
Criminal History Category: <u>III</u>	Criminal History Category: <u>III</u>
Previous Guideline Range: <u>70</u> to <u>87</u> months	Amended Guideline Range: <u>60</u> to <u>71</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

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The reduced sentence is within the amended guideline range.

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The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

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Other (explain):

III. ADDITIONAL COMMENTS

Filing 68 is granted as provided herein.

Except as provided above, all provisions of the judgments dated June 14, 2006 and May 11, 2007 shall remain in effect.

IT IS SO ORDERED.

Dated this 1st day of April, 2008
Effective Date: Tuesday, April 15, 2008

BY THE COURT:
S/Richard G. Kopf
United States District Judge